

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Brian Goodine,)	
)	
Petitioner,)	
)	
vs.)	Civil Action No. 0:12-397-TLW-PJG
)	
Mildred Rivera, Warden,)	
)	
Respondent.)	
_____)	

ORDER

Petitioner Brian Goodine, (“Petitioner”), brought this civil action, *pro se*, as a habeas corpus petition pursuant to 28 U.S.C. § 2241 on February 13, 2012. (Doc. # 1).

The matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Paige J. Gossett, to whom this case had previously been assigned. In the Report, the Magistrate Judge recommends that the petition be dismissed without prejudice and without requiring Respondent to file an Answer or return, pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (D.S.C.). (Doc. # 8). The Magistrate Judge further recommends that this Court deny the issuance of a certificate of appealability. *Id.* Objections to the Report were due on April 12, 2012. Petitioner has filed no objections to the Report.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge,

this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. # 8). The Petitioner's habeas corpus petition is therefore **DISMISSED** without prejudice and without requiring Respondent to file an Answer or return.

The Court has reviewed this petition in accordance with Rule 11 of the Rules Governing Section 2254 Proceedings which can be applied to Section 2241 actions through Rule 1(b). The Court concludes that it is not appropriate to issue a certificate of appealability as to the issues raised herein. Petitioner is advised that he may seek a certificate from the Fourth Circuit Court of Appeals under Rule 22 of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.

April 16, 2012
Florence, South Carolina

s/Terry L. Wooten
United States District Judge